



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-170	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Vacation of Street Easement	Planning Commission Date	February 10, 2015	
Deadline for Action	Application Date	January 27, 2015	60 Days	March 28, 2015
	Date Extension Letter Mailed	February 3, 2015	120 Days	May 27, 2015
Location of Subject	Clover Hill Division			
Applicant	Regents of the University of Minnesota	Contact	Kelley Brandt, brand571@umn.edu	
Agent	Erik Larson	Contact	elarson@d.umn.edu	
Legal Description	See Attached			
Site Visit Date	N/A	Sign Notice Date	January 27, 2015	
Neighbor Letter Date	January 29, 2015	Number of Letters Sent	13	

Proposal

Proposal to vacate an alley in Block 7 Clover Hill Division, running parallel to Woodland Avenue and abutting Clover Street.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Right of Way	Institutional
North	R-2	University	Institutional
South	R-2	University	Institutional
East	R-2	University (former Residential)	Institutional
West	R-2	University	Institutional

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements require a Planning commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

Code requirements are found in UDC Section 50-37.6. The Planning Commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

- 1) Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

III. C-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #7: Create and maintain connectivity.

Future Land Use - Institutional: Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Applies primarily to existing facilities.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) The right of way is undeveloped. Adjacent portions of the alley and Clover Street were previously vacated. This vacation, if approved, will not deprive any currently platted lots of access to a public right of way, and will not result in any dead-ends.
- 2.) UMD owns all abutting property, including recently purchased and demolished houses along Woodland Avenue.
- 3.) There are no utilities in this right of way.
- 4.) Staff believe this right of way is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the City; the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 5.) City Engineering has stated the vacation is acceptable. No other public, agency, or City comments have been received.
- 6.) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process, after City Council approval.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation of this portion of Worth Street, subject to the following condition:

- 1.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

L-2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning
 PL 14-170
 Alley Vacation
 UMD

Legend

- Trout Stream (GPS)
- Other Stream (GPS)

ROW_STATUS

- Vacated ROW

Right-of-Way Type

- Road or Alley ROW

Easement Type

- Utility Easement
- Other Easement

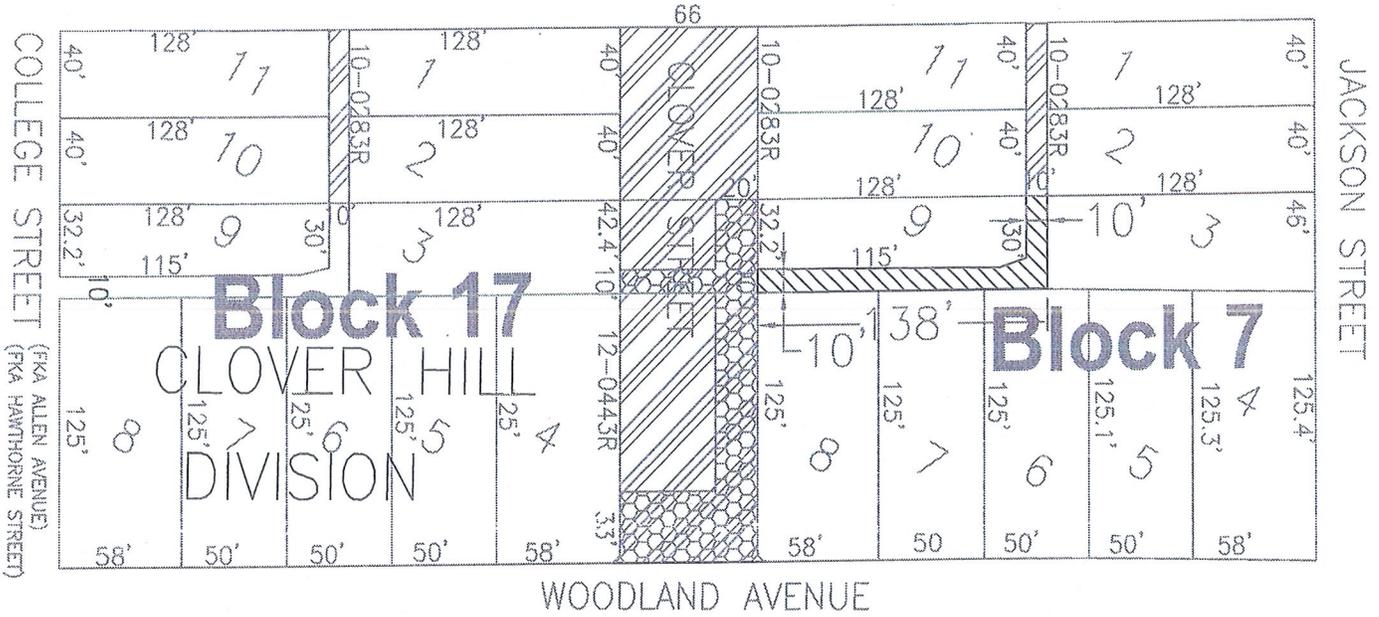
Titleholder (6 class)

- Tax Forfeited
- City
- School
- County
- State
- Federal



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

VACATION EXHIBIT - Alley - Block 7 Clover Hill Division



Legal Description:

The entire Alley adjacent to Lot 9 Block 7 Clover Hill Division.

Legend:

Portion to be vacated is shown as: 

Vacated areas:  (10-0283R and 12-0443R)

Vacated area with utility easement retained:  (12-0443R)

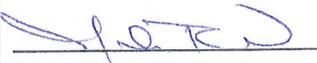
Approved by the City Engineer of Duluth, MN

Date: 1-27-15 by: 

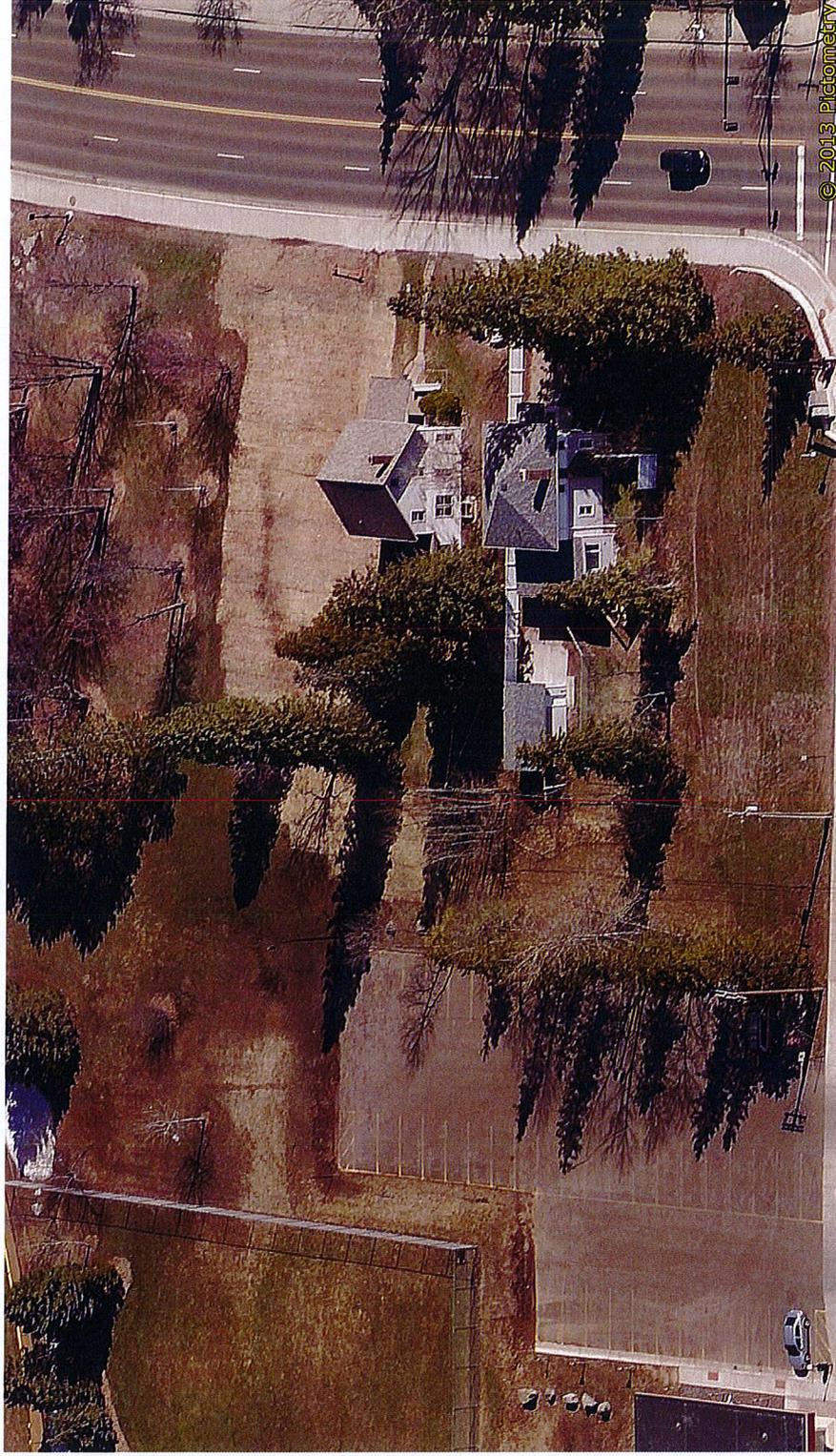
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JAN 15 2015

**CONSTRUCTION SERVICES
AND INSPECTIONS**

<p>This document was created under my direct supervision:</p> <p> <u>12/9/14</u> Date</p> <p>John Rashid - Acting Director UMD Facilities Management</p>	<p>University of Minnesota Duluth Facilities Management 241 Darland Administration Building 1049 University Drive Duluth, Minnesota 55812-2496 218-726-8262</p>	<p>Vacation of remainder of Alley in Block 7, Clover Hill Division.</p> <p>For: Regents of the University of Minnesota</p>
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h-7



Print Date: 02/02/2015
Image Date: 05/12/2013
Level: Neighborhood

L-5